

MONTHLY
NEWSLETTER OF
VT GOVERNOR'S
HIGHWAY SAFETY
PROGRAM

July 2010

GHSP NEWS

31
fatalities

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New Law Begins

By Nancy Remsen, Free Press Staff Writer • Thursday, July 1, 2010

Motorists must be aware to use extra care when driving by pedestrians, bicyclists, horseback riders, roller skiers and people in wheelchairs who are also on Vermont roads.

As of July 1, 2010 the "safe passing" became a law and applies to everyone who drives on Vermont's highways and back roads.

According to Nancy Schulz, executive director of the Vermont Bicycle and Pedestrian Coalition said it is intended to protect "vulnerable users" of roads who are more susceptible to injury because they aren't encased in metal as they travel. The law bans throwing objects at non-motorists and driving maneuvers meant to harass them.

Local Motion, an organization in Chittenden County that promotes people-powered transportation has developed a safe-streets initiative with local law enforcement. The initiative is to promote safe traveling behavior by all who use roads, said Chapin Spencer, executive director. "If the incident involved unsafe driving behavior and the license plate was recorded, the police will follow-up with the owner of the vehicle," he said. "If the

(cont. on pg. 4)



IAN THOMAS JANSEN-LONNQUIST, for the Free Press
Bicyclists ride over the crosswalk Wednesday at the corner of South Winooski Avenue and Main Street in Burlington.

Governor's Highway Safety Grant Solicitation

GRANTS TO LAW ENFORCEMENT AGENCIES

The mission of the Governor's Highway Safety Program (GHSP) in the Department of Public Safety is to reduce highway crashes and resulting death, injury and property damage. Two of the most effective ways to accomplish that goal are to increase safety belt use and reduce impaired driving. This is accomplished, in large part, through the issuance of sub grants to law enforcement and non-law enforcement highway safety advocates and partners. The law enforcement sub grants are issued through a competitive sub grant application to state, local and county law enforcement agencies to perform a variety of motor vehicle enforcement activities and highway safety initiatives. The non-law enforcement sub grants are issued to highway safety partners that can demonstrate an ability to identify highway safety problems that are data driven, that can meet the programmatic reporting requirements of the sub grants and can demonstrate that they have an ability to deliver the goals of their project.

GRANTS TO EDUCATIONAL NON-LAW ENFORCEMENT AGENCIES

Sub grants to educational non-law enforcement agencies provide funding for a variety of highway safety initiatives that are targeted at educating the public and promoting highway safety initiatives that will lead to reduced highway crashes and resulting death, injury and property damage. A key component of these sub grant applications is the ability of the applicant to identify, through the use of data, a highway safety problem and articulate a solution. Sub grants generally range from \$10,000 to \$250,000 in funding.

The issuance of sub grant agreements is usually targeted to organizations that can serve a large population or the entire state. The Governor's Highway Safety Program usually awards grants that address regional or statewide problems.

Sample sub grant projects may include activities such as;

- Statewide child passenger seat protection program
- Youth education and youth activities that educate youth on the benefits of highway safety

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GHSP News

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To submit photos and articles to:
ghsp@dps.state.vt.us

Vermont Fatalities to Date						
	2006	2007	2008	2009	2010	Average
Jan	8	6	5	2	9	6.33
Feb	5	8	8	1	1	4.6
March	12	3	3	3	4	5
April	5	7	8	5	4	6.25
May	13	5	7	9	6	8
June	9	4	12	11	6	8.4
July	8	7	7	4	1	6.25
Aug	5	10	3	11		7.25
Sept	9	4	7	6		6.5
Oct	6	2	7	3		4.5
Nov	2	6	2	7		4.25
Dec	5	4	4	12		6.25
Total	87	66	73	74	31	

This Month's Legal Case Complaints & Findings

By Stuart Schurr, Traffic Safety Resource Prosecutor

OFFICER'S STATEMENTS TO SUSPECT DURING DUI PROCESSING WERE NEITHER INACCURATE NOR MISLEADING, AND DEFENDANT WAS NOT IMPROPERLY PREVENTED OR DISCOURAGED FROM EXERCISING HIS RIGHT TO AN INDEPENDENT BLOOD TEST

In State v. Webb, 2010 VT 54, the Vermont Supreme Court affirmed the Franklin District Court's ruling that the police did not improperly interfere with Defendant's right to an independent blood test.

During DUI processing, the officer advised Defendant of his implied consent rights, including his right to counsel and to have additional tests performed at his expense. Defendant asked to speak with an attorney and, after doing so, provided a breath sample, which showed a BAC of .158. After informing Defendant that he would be lodged as a result of an outstanding arrest warrant, the officer offered to arrange transportation to the hospital for independent testing. Defendant asked several questions then stated, "Let's do it." When the officer reiterated that it would be at Defendant's own expense, Defendant asked whether it might cost a thousand dollars. The officer responded that he did not know the cost, at which point Defendant asked if it might be a few hundred dollars. The officer replied that it could be "around two hundred." Defendant eventually declined his right to independent testing.

Defendant filed a motion to suppress, asserting that the officer's "incomplete and inaccurate information" concerning the cost had improperly interfered with his right to independent testing. The trial court concluded that the officer "did everything he was required to do under the law with respect to Defendant's right to an additional evidentiary test." The court held there was "no evidence that [the officer] prevented or dissuaded Defendant from obtaining an additional independent test" and, as such, denied the motion to suppress.

On appeal, the Vermont Supreme Court noted that Defendant cited no authority for the proposition that the officer was barred from accurately reminding Defendant that the test was at his own expense. Further, the Court observed that Defendant failed to demonstrate that the officer's responses were, in fact, inaccurate. Finally, the Court held that Defendant failed to establish that he was improperly deterred from exercising his right to an independent blood test. None of the cases cited by Defendant in support of his motion was applicable to the circumstances presented in the instant case. ■

DISTRICT COURT CONCLUDES DATAMASTER DMT MEETS DEPARTMENT OF HEALTH REGULATIONS

Following its initial determination that the State is entitled to rely upon the presumption of admissibility of breath test results, as set forth in 23 V.S.A. §§ 1203(d) and 1205, by demonstrating that the instrument meets the Department of Health's rules (hereinafter "performance standards"), the Franklin District Court held an evidentiary hearing to determine whether the DataMaster DMT does, in fact, meet or exceed those performance standards.

The State's expert, Department of Health chemist Bob Drawbaugh, testified that the DataMaster DMT, like the BAC DataMaster, uses infrared spectrophotometry as its method of analysis. Despite minor differences, Mr. Drawbaugh testified repeatedly that the two instruments perform the same essential functions and do so in the same manner. He then stated that the DMT meets each of the Health Department's six performance

(cont. on pg. 3)

Click It or Ticket Results

By Lee Graham, Law Enforcement Liaison, GHSP

The Governor's Highway Safety Program, wishes to express our sincerest thanks to all of the officers who worked this year's CIOT campaign. It is your dedication to highway safety that keeps our highway travelers safe. A special note of gratitude goes to our team captains; Lt. Paul Doucette, Bennington Police Department, and Sgt. Al Fortin, Shelburne Police Department, for their commitment, hard work, before, during, and after the campaign.

Below is the breakdown of the task forces. As you can see, the officers on the task forces worked hard to educate the motoring public of the benefits of wearing a safety belt, and correctly using a child safety seat.

Task Force Breakdown	North Teams	South Teams
Number of Checkpoints and Vehicles Stopped	21 - 1823	4 - 405
Hours Patrolled and Number of Vehicles Stopped	1323 - 2733	926 - 2034
Number of Contacts	8571	4106
Total Seat Belt Tickets	345	440
Total CPS Tickets	50	17
Total Other Tickets	1300	1296
Total Arrests	14	16

The numbers reflect the need to remain focused on seatbelt, and child safety seat violations. Although Vermont maintains a high seat belt use rate, too many people are still dying on our highways because they are not buckled up. One death is one too many! ■

Mountaineers Highway Safety Night

By Carol Rose, Executive Director, Vermont Safety Education Center

The Vermont Safety Education Center and Ford Driving Skills for Life hosted the Third Annual Highway Safety Night at the June 23rd Mountaineers baseball game in Montpelier.

The focus message for this year's event was "Turn Off Texting", in educating the public about the new No Texting Law and the strengthening the GDL law for beginning drivers.

Twenty "Turn Off Texting" tee shirts were thrown to the crowd between the second and third innings by VSEC Board members.

The "No Phone Zone" pledge and raffle were signed by seventy attendees, and ten lucky winners received highway safety message tee shirts and mugs.

Tim Morgan VSEC Board member, threw the first pitch and Carol Rose, Executive Director of VSEC did a radio interview on site. ■



Skip helps send the "Turn Off Texting" message!

Grant Solicitation *(cont. from pg. 1)*

- Law enforcement liaison efforts
- Community traffic safety program
- Statewide work place traffic safety program
- Bicycle safety programs
- Pedestrian safety programs
- Programs to increase public awareness surrounding highway safety initiatives

The GHSP issue up to approximately \$500,000 in non-law enforcement sub grants per year. The sub grant agreements that are issued are for a one-year period.

APPLICANT GENERAL REQUIREMENTS

Applicants for GHSP sub grants must demonstrate that they are a non-profit organization that are in the business of providing the type of activity or project for which they are submitting an application. **Applications are on our website: ghsp.vermont.gov under the GRANT portion of the site.**

For contact information, please call Michele Laberge 802-241-5519 (office) or 802-777-0207 (cell).

Applications will be accepted until close of business on August 3, 2010.

Legal Case Complaints & Findings *(cont. from pg. 2)*

and demonstrated compliance through data gathered by the Department prior to the rollout of the standards DMT instruments. Specifically, Mr. Drawbaugh testified that the BAC DataMaster meets each of these performance standards, and there is nothing different about the DMT that would cause him to believe it does not as well. In support of its assertion that the BAC DataMaster meets the performance standards, the State offered, and the court admitted into evidence, the 1998 Rutland District Court's Findings of Fact and Conclusions of Law in State v. Jeffrey Allen, et al., No. 1030-7-95 RdcR (Vt. Dist. Ct. March 9, 1998)(McCaffrey, J.).

The court was not persuaded by the testimony of Defendant's expert, Carl Tremmel. Not only did the court conclude that Mr. Tremmel's knowledge of the DataMaster DMT is limited, but also that he failed to demonstrate that the DataMaster DMT does not meet the Department's performance standards. Notwithstanding Defendant's arguments, all of which had been raised before the Rutland District Court more than a decade ago in connection with the BAC DataMaster, the Franklin District Court concluded that the DMT satisfies the Health Department's performance standards and that the State is permitted to rely upon the presumption of admissibility set forth in 23 V.S.A. §§ 1203 and 1205. ■

Safe Streets Collaborative

The Safe Streets Collaborative is a broad-based campaign led by nonprofits and local governments from across Chittenden County whose goal is to build a culture of respect on our streets and sidewalks. The philosophy is that everyone has a role to play -- cyclists, pedestrians, and motorists alike -- in making Vermont's roadways safer for all. The initiative is generously supported by the Chittenden County Metropolitan Planning Organization, the Governor's Highway Safety Program, and Local Motion members.

An important component of a local safe streets campaign is to provide community leaders with the information and resources necessary to make changes to street infrastructure and policies. The Safe Streets Collaborative offers presentations at no costs for a variety of audiences that help select board members, planning commissioners, police officers, and other community leaders identify and act on safe streets-related community needs.

Safe Streets Presentations

- Select Boards & Planning Commissions
- Police Departments
- School Boards and Principals
- Other Community Groups

For more information call 802-264-9687 or <http://www.localmotion.org/education/safestreets>

Safe Streets Collaborators

The following participating companies, agencies, and non-profits have participated in developing this safety campaign.



AARP
Burlington's Mayor's Office
Burlington Police Department
Burlington Walk/Bike Council
Champlain College
Chittenden Co. Metropolitan Planning Organization
Chittenden Co. Transportation Authority
Dept. of Public Works
Fletcher Allen Health Care
Green Mtn. Bicycle Club
Green Mtn. Multisport
Governor's Highway Safety Program
Lake Champlain Reg. Chamber of Commerce
Local Motion
North Star Sports
Skirack
University of Vermont
VT Bicycle & Pedestrian Coalition
Vermont Dept. of Health
VTrans

Study Shows Nighttime Driving Most Dangerous to Teens

A new publication: Shedding light on the nighttime driving risk: An analysis of fatal crashes under dark condition in the U.S., 1999-2008, reports that the ten-year increase in nighttime fatal crashes for 16-19 year old drivers was greater than for drivers age 20 and older. The report notes that driving at night is the most common crash-causing danger that teenage drivers may face, but few teens are aware of the added risk.

While alcohol has contributed to an increase in nighttime fatal crashes involving drivers age 20 and older, this is not the case for teenage drivers, suggesting that other factors are contributing to the trend of increased nighttime crashes for teens. The growing prevalence of teens using cell phones while driving is singled out as a likely culprit.

For more information see full report online at: <http://t-driver.com/nighttime-fatal-crash-trends> ■

Crash Data Reporting Tip of the Month by Mary Spicer, AOT

- Supplemental Reports can be appended to the original narrative. If your agency uses the Web Crash "Narrative" page, simply type in or Copy/Paste from your original document and append it to original narrative. If your agency scans narratives and attaches them as an "image" on the "Diagrams/Images" page, then scan your supplemental report and upload the scanned report as a new image.
- Just a reminder: Occupants of vehicles involved in a crash are listed on page 3 and not in the "Other Persons and Witnesses Involved" area at the bottom of page 1.

If you have any questions or need any help with Web Crash please call us! Our number is 1-888-374-3011 and our email is AOT-CrashRequests@state.vt.us.

Drive Safe! ■

New Law (cont. from pg. 1)

the incident involved a pedestrian or cyclist, the police will follow up with them if the person was identified."

The new law also makes it legal for cyclists to signal right turns with their right arms and to move to the left of a travel lane when turning left.

Local Motion has partnered with local outdoor shops to offer a coupon \$6 in savings on reflective gear, lights and helmets, Spencer said.

The safe-passing law also requires bicycle riders to have red flashing lights or 20 square inches of reflective material facing behind them when they pedal the roads at night. "We do ask cyclists to step up and be more responsible," Schulz said. Cyclists already must have white lights on the front of their bikes and red reflectors on back fenders, Schulz said.

What Else Is New?

- Another new law that applies to all drivers already took effect: a ban on texting while behind the wheel. Young drivers can't use any electronic devices.
- It is now a crime to take intimate photographs of a person without his or her permission and to show those pictures to someone else.
- Motorists will face bigger fines if they park illegally in spots reserved for drivers with disabilities. The fine increased from \$100 to \$200. ■

For more on the other laws in this article –

<http://www.burlingtonfreepress.com/article/20100701/NEWS03/100630030/Share-the-road.-It-s-now-the-law-in-Vermont.#ixzz0sRYIt7S2>

Vermont Child Passenger Safety Re-Certification the Highest in the Nation

The report is in. Vermont's re-certification rate is the highest (90.5%) in the nation!

As parents, you may find it difficult to sort out conflicting or confusing car safety seat information as your child develops and grows. For free safety seat checks visit one of the locations below.

For more information log on to:

www.BeSeatSmart.com or call

1-888-VMT-SEAT (868-7328)



Congratulations to the class of 2010 CPS certified technicians (green shirts) instructors (blue shirts).

July 10	Burlington Fire Station – Burlington	10:00 am - 1:00 pm
July 24	Formula Ford – Montpelier	10:00 am - 1:00 pm
August 7	Gifford Hospital - Randolph	10:00 am - 1:00 pm
August 14	Highgate Commons - St. Albans	10:00 am - 2:00 pm
August 28	Passumpsic Bank - Newport	10:00 am - 1:00 pm
September 11	Hardwick Fire Station - Hardwick	10:00 am - 1:00 pm
September 18	Milton Fire Station - Milton	10:00 am - 1:00 pm
September 25	Diamond Run Mall - Rutland	10:00 am - 1:00 pm
October 9	Home Depot - Williston	10:00 am - 2:00 pm

Upcoming Events

Aug. 20 – Sept. 6 National Mobilization – Impaired Driving
Sept. 1-2 NHTSA Training in VT for Safe Communities Programs
Sept. 19-25 Child Passenger Safety Week & National Seat Check Saturday

For other activities and information, please visit our NEW website

ghsp.vermont.gov